

**EASTERN DISTRICT OF TEXAS**



The court has conducted a *de novo* review of the objections asserted by petitioner. After careful consideration, the court is of the opinion the objections are without merit. Petitioner relies on the Supreme Court's decision in *Descamps v. United States*, 133 S.Ct. 2276 (2013). The magistrate judge correctly concluded that as the decision in *Descamps* only addresses sentencing issues, it has no effect on whether the facts of petitioner's case would support his convictions for the substantive offenses. *Whittaker v. Chandler*, 574 F. App'x 448 (2014). As a result, the

decision does not provide petitioner with a basis for relief under Section 2241. *Wesson v. U.S. Penitentiary Beaumont, TX*, 305 F.3d 343, 348 (5th Cir. 2002).

**ORDER**

Accordingly, petitioner's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment shall be entered dismissing the petition.

**Signed this date.**

**Oct 16, 2014**



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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE